

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

AMENDMENTS TO THE DRAWINGS

Please replace sheet 9 of the drawings with the attached replacement sheet.

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

REMARKS

The Office Action of April 23, 2008 has been carefully considered. Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Applicant has amended claims 1 and 20-24 and has canceled claim 3. No claims have been added. Accordingly, claims 1-2 and 4-25 remain pending.

Claims 1-6, 10-16, and 19-23 were rejected under 35 U.S.C. §102(b). Claims 7-9, 17-18, 24 and 25 were rejected under 35 U.S.C. §103(a). The drawings are objected under 37 CFR 1.84(p) (4). Drawing "Fig. 6" is replaced. No new matter has been added. Amendments submitted herein are intended to place this application in condition for allowance.

Drawings

Regarding the objection to the drawings under 37 CFR 1.84(p)(4), reference numeral "29" on FIG. 6 has been amended to reference numeral "27" (a Replacement Sheet is attached hereto) and the specification has been amended accordingly. Numeral 27 is now discussed with reference to Fig. 6. in the original specification on page 7, lines 18-19 and page 10, lines 6-7.

§ 102(b) Rejections – Brenner

The Examiner rejected claims 1-6, 10-16, and 19-23 under 35 U.S.C. § 102(b) as anticipated by USP Patent No. 3,503,481 to Brenner. The rejection is respectfully traversed.

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

Claim 1 is directed to a device dispensing a single bag from a stack of bags. The device includes a plate which is mounted on a frame. The plate defines a planar bag supporting surface and an opposite planar surface. The device further includes a rotatable shaft coupled to the frame, at least one roller non-rotatably affixed to the shaft and arranged to engage a bag of the stack of bags which is nearest the planar bag-supporting surface of the plate, and means for rotating the shaft whereby the bag nearest the planar bag-supporting surface of the plate is shifted over the at least one roller.

The device further includes means for automatically stopping the rotation of the shaft after a single bag has been dispensed. Claim 1 also recites that the stack of bags is held against the planar bag-supporting surface whereas the bag nearest the planar bag-supporting surface is dispensed to the opposite planar surface side of the plate. This is accomplished by the plate being disposed between the dispensed bag and the stack of bags.

The Office Action states that Brenner teaches a device for dispensing a bag from a stack of bags, comprising: a plate 25, having a frame 16; a rotatable shaft 100 coupled to frame 16; at least one roller 32 non-rotatably affixed to shaft 100 and arranged to engage a bag 10 of a stack of bags; means (motor) 34 for rotating shaft 100; and means for automatically stopping rotation of said shaft after a single bag has been dispensed (switch) 42; wherein the stack of bags is held against the side of plate 25 and the single bag is dispensed to an opposite side 26 of plate 25.

The reference to Brenner describes and claims a coin-actuated dispenser for dispensing plastic shopping bags. The dispenser comprises a housing for containing a stack of superimposed plastic bags in which means is provided for individually dispensing the bags one at a time by peeling the uppermost bag from the stack each time a coin of proper denomination is inserted into the coin slot of the dispenser (col.

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

1, lines 13-18). Such means (29) are disposed for effecting the dispensing of the uppermost bag (10A) of the stack each time a coin is deposited (col. 4, lines 15-17). Brenner further describes a carrier (30) in which one leg portion (30A) is rotatably journaled between a pair of spaced brackets which are connected to the rear wall of the housing, and in which the other leg portion (30B) is disposed above the uppermost bag (10A). A dispensing wheel 32 is rotatably journaled in a suitable bearing on leg portion (30B) (col. 4, lines 18-29). An important consideration of this invention is that the force which the dispensing wheel (32) is required to exert against the uppermost bag (10A) off the stack must be such that only the uppermost bag (10A) is dispensed or peeled off the stack each time the dispensing wheel (32) is actuated (col. 4, lines 32-38).

In contrast with the device of claim 1, Brenner does not dispense a bag that is nearest to the surface 25 that supports the bag. Instead, it dispenses the bag that is furthest from the surface 25. For this reason alone, claim 1 is allowable over Brenner. Furthermore, in the Brenner device, the "opposite" surface 26 is not disposed between the dispensed bag and the stack of bags because surfaces 25 and 26 are generally perpendicular to one another.

Additionally, claim 1 recites that the nearest bag to the planar bag-supporting surface of the plate is dispensed to the *opposite* planar surface side of the plate. In contrast, in the Brenner bag dispenser, the uppermost bag is dispensed to surface (26), which is generally perpendicular to--not opposite--surface 25. It is respectfully submitted that the opposite surface of the plate (25) in Brenner would be surface (25A) of the plate (25). However, Brenner's device does not dispense bags to that opposite surface.

Claim 20 recites a method for dispensing a bag from a stack of bags and recites, *inter alia*, dispensing one bag from said stack of bags nearest said planar bag supporting surface to said opposite planar surface of said plate. As explained above,

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

Brenner does not disclose or suggest this feature. Instead, Brenner dispenses a bag that is *furthermost* from the surface that supports the bags and dispenses the bag to a surface that is generally perpendicular to--not opposite--the bag supporting surface.

None of the prior art cited by the Examiner: (i) is concerned with the prevention of user from accessing the stack of bags, thus none teaches a plate being disposed between the stack of bags and the dispensed bag; (ii) teaches that the nearest bag to the planar surface of the plate is dispensed to the opposite planar surface side of the plate; (iii) teaches dispensing of the bag nearest the planar surface of the plate which is being shifted over the rollers.

While continuing to traverse the Examiner's rejections, Applicants have, in order to expedite the prosecution, chosen to amend independent claims 1 and 20 in order to further distinguish Brenner. Specifically, independent claims 1 and 20 have been amended to clarify that the plate defines a bag-supporting and an opposite planar surfaces; the roller non-rotatably affixed to the shaft engages the bag of the stack of bags which is nearest the planar bag-supporting surface of the plate; the nearest bag is shifted over the rollers; and that the plate is being disposed between the nearest dispensed bag and the stack of bags. Furthermore, claims 22 and 23 have been amended to further clarify that the bag of the stack of bags which is being dispensed is the bag nearest the planar bag-supporting surface of the plate.

Support for these amendments can be found in the specification, *inter alia*, on page 3, line 18, page 4, line 17, page 6, line 12, page 13, line 20, and Figs. 1 and 2 (a bag-supporting and an opposite planar surfaces); page 9, lines 20-21, and Figs. 5b and 5c (the roller non-rotatably affixed to the shaft engages the bag of the stack of bags which is nearest the planar bag-supporting surface of the plate. It is respectfully submitted, the bag 30' is referred therein as "the rearmost bag 30' in the stack", however, in the context of the description and as shown in Figs. 5b and 5c, it is clear

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

that the dispensed bag 30' is nearest the bag-supporting surface of the plate); page 9, line 24 and 28, and Fig. 5c (the nearest bag is shifted over the rollers); page 9, lines 28-29, and Fig. 5d (the plate is being disposed between the nearest dispensed bag and the stack of bags).

Applicants believe that the claims as amended completely overcome the Examiner's rejections on § 102(b) grounds as to independent claims 1 and 20, as well as dependent claims 2, 4-19, and 21-25, which depend from claim 1 or claim 20 and add additional limitations thereto. It is, therefore, respectfully submitted that claims 1, 2, 4-19 and 20-25, as amended, are not anticipated by Brenner.

§ 103 Rejection – Brenner and Perrin

The Examiner has rejected claims 7, 8 and 25 under 35 U.S.C. § 103(a) as being obvious over Brenner in view of USP 1,913,722 to Perrin. Specifically, the Examiner states that Brenner fails to show a device for dispensing a bag using a manual means such as a handle, while the patent to Perrin teaches means for rotating which includes manual means such as a handle for rotating the shaft. Claim 7 depends from claim 1, and claim 8 depends from claim 7. Claim 25 depends from claim 20.

The patent to Perrin describes a simple device for dispensing paper towels from a continuous roll of towel paper, including a handle being means for rotating a shaft. Perrin does not compensate for Brenner's deficiencies, as discussed above. In Perrin there is no teaching or suggestion of a device for dispensing a bag from a stack of bags, the device including a plate defining a bag-supporting and an opposite planar surfaces, rollers non-rotatably affixed to a shaft and engage the bag of the stack of bags which is nearest the planar bag-supporting surface of the plate, wherein the nearest bag is shifted over the rollers, and wherein the plate is being disposed between the nearest dispensed bag and the stack of bags, as claimed in the amended

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

claims. In view of the amended claims which completely overcome the Examiner's objections on § 102(b) grounds in view of Brenner as respectfully submitted above, combining the handle of Perrin with the bag dispenser of Brenner would not have resulted in the device of claims 7 or 8 or the method of claim 25.

Accordingly, claims 7, 8 and 25 are deemed allowable over Brenner in view of Perrin.

§ 103 Rejection – Brenner and Varichon

The Examiner has rejected claims 9 and 24 under 35 U.S.C. § 103(a) as being obvious over Brenner in view of USP 6,006,495 to Varichon. Specifically, the Examiner states that Brenner fails to teach a device for dispensing a bag from a stack of bags having a second rotatable shaft mounted in parallel to a first rotatable shaft, while the patent to Varichon teaches the additional subject matter recited in claims 9 and 24.

The patent to Varichon describes and claims an automatic bag-dispenser having two parallel rotary devices located adjacent each other and which are covered with a non-slip material. The rotary devices rotate in counter-rotation. At least one of the rotary devices can come into contact with one of the two end bags in a stack such that a bag can be driven between the rotary devices. At least one of the rotary devices has a central part which is not rotated and opposite which devices for gripping the center part of the bag are active.

Varichon does not compensate for Brenner's deficiencies, noted above. In Varichon there is no teaching or suggestion of a device for dispensing a bag from a stack of bags including a plate defining a bag-supporting and an opposite planar surfaces, rollers engaging the bag of the stack of bags which is nearest the planar bag-supporting surface of the plate, wherein the nearest bag is shifted over the rollers, and wherein the plate is being disposed between the nearest dispensed bag

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

and the stack of bags, as claimed in the amended claims. Furthermore, in view of the amended claims which completely overcome the Examiner's objections on § 102(b) grounds in view of Brenner as respectfully submitted above, the combining the bag dispenser of Varichon having the above described rotary devices for bag dispensing with the bag dispenser of Brenner would not have resulted in the device of claim 9 or the method of claim 24.

Accordingly, claims 9 and 24 are deemed allowable over Brenner in view of Varichon.

§ 103 Rejection – Brenner and Dumont

The Examiner has rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being obvious over Brenner in view of USP 5,641,039 to Dumont. Specifically, the Examiner states that Brenner fails to teach a particular signal coupled to a central store computer or cash register, while the patent to Dumont teaches a controller coupled to a central store computer and an electronic connection for coupling the controller to a cash register, as described and claimed in claims 17 and 18.

The patent to Dumont describes and claims a checkout station to checkout purchased items, including a product scanner, a data transmission connector for receiving the purchase and pricing information of the items from product scanner for transmittal to the checkout station. The purchase checkout station further includes a loading platform whereon each item is individually placed and verified as an item which has been scanned and whose pricing and purchase information has been transmitted to the checkout station, thereafter the verified item is moved atop the loading platform only if it has been properly scanned, to be placed into an automatically positioned bag which is sealed for secured removal by the consumer subsequent to payment. Dumont does not compensate for Brenner's deficiencies,

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

described above. In Dumont there is no teaching or suggestion of a device for dispensing a bag from a stack of bags as claimed in the amended claims.

Furthermore, in view of the amended claims which completely overcome the Examiner's objections on § 102(b) grounds in view of Brenner as respectfully submitted above, combining the checkout station of Dumont having the above described product scanner, data transmission connector and a loading platform with the bag dispenser of Brenner would not have resulted in the device for bag dispensing of claims 17 or 18.

Accordingly, claims 17 and 18, which depend from, and add additional limitations to, claim 1, are deemed allowable over Brenner in view of Dumont.

In re Application of: Doron TAM et al
Serial No.: 10/580,289
Filed: May 24, 2006
Office Action Mailing Date: April 23, 2008

Examiner: Randall Jr., Kelvin L
Group Art Unit: 4174
Attorney Docket: 66599-0005
Amendment 20 October 2008

CONCLUSION

In view of the above amendments and remarks it is respectfully submitted that independent claims 1 and 20, and hence dependent claims 2, 4-19, and 21-25, are in condition for allowance. Re-examination and allowance are, therefore, respectfully solicited. In the event the Examiner deems that outstanding issues remain, he is respectfully requested to telephone the undersigned attorney in an effort to resolve such issues.

It is believed that no fees other than those specified in the accompanying fee transmittal are due with this response. However, if additional fees are due, please charge our Deposit Account No. 18-0013, under Order No. 66590-0005 from which the undersigned is authorized to draw.

Dated: October 20, 2008

Respectfully submitted,

Electronic signature: /Steven R. Hansen/
Steven R. Hansen
Registration No.: 39,214
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 10291
Attorney for Applicant